

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE LOWER MANHATTAN DISASTER SITE
LITIGATION
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MIGUEL URGILES (AND WIFE, MARTHA
URGILES),

Plaintiff(s),

-against-

ALAN KASMAN DBA KASCO, *et al.*,

Defendant(s).
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Case No.: 21 MC 102 (AKH)

Docket No.: 07-CV-05400-AKH

**STIPULATION OF
DISCONTINUANCE AS TO
DEFENDANT, GRUBB & ELLIS
MANAGEMENT SERVICES, INC.
ONLY.**

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned for the parties herein, that whereas no party herein is an infant, incompetent person for whom a committee has been appointed or conservatee and no person not a party has an interest in the subject matter of this action and based on the representation of the within defendant, and to the extent of Plaintiff(s) can so Stipulate that each claim, cross-claim and counter-claim asserted by and against defendant GRUBB & ELLIS MANAGEMENT SERVICES, INC. (hereinafter referred to as "GRUBB & ELLIS"), only as to the claims being made as to the premises located at Century 21 (22/26 Cortland Street) and 99 Church Street, New York, New York shall be and the same hereby are discontinued without prejudice and without costs to any party as against the other.

IT IS FURTHER STIPULATED AND AGREED that should evidence be discovered throughout the course of the litigation which determines that the GRUBB & ELLIS is a proper party to this suit, that plaintiff(s) may reinstitute the action without regard to the applicable

Statute of Limitations, assuming said original action was timely commenced, and in such instance Defendant shall not assert Statute of Limitation as a defense.

This Stipulation may be filed without further notice with the Clerk of the Court.

Dated: New York, New York
February 8, 2008

McGIVNEY & KLUGER, P.C.
Attorneys for Defendant
GRUBB & ELLIS MANAGEMENT
SERVICES, INC.,

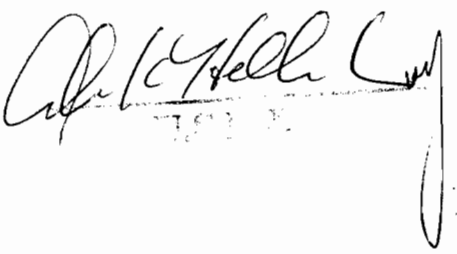
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